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May 28, 2025

Via ECF

Hon. Mae A. D'Agostino
United States District Judge
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207

Re: *Rivera-Santiago v. Hart et al.*, 9:25-cv-677 (MAD/DJS)

Your Honor:

My office represents Plaintiff Alex Rivera-Santiago and writes to respectfully request that the Court so-order the enclosed subpoena to the New York State Common Retirement Fund ("NYSCRF") so that Plaintiff may obtain the last known home addresses of the named Defendants, John Hart, Daniel Lamountain, and Shelby Murray, for purposes of effectuating service on them.

On May 27, 2025, Plaintiff filed this action for excessive force against the above-listed Defendants, three corrections officers formerly employed by the State of New York. After filing, the Clerk of the Court directed Plaintiff to submit proposed summonses within three days, on or before June 2, 2025. However, based on my office's preliminary investigation, it appears that the Defendants no longer work for the Department of Corrections and Community Supervision, and therefore cannot be served at their place of employment.

For this reason, Plaintiff respectfully requests a so-ordered subpoena to the New York State Common Retirement Fund for the officers' last known home addresses, so that personal service may be timely completed pursuant to Fed. R. Civ. P. 4(2)(B). To protect the former state employees' privacy, Plaintiff will redact any service documents placed on the public docket which include the information disclosed as a result of this subpoena to the NYSCRF.

A proposed subpoena is attached here for Your Honor's consideration. Should the Court endorse the subpoena, we will promptly effectuate service on NYSCRF and, after receiving a response, will request the proper summonses from the Clerk of the Court. Plaintiff's intention is to complete service on all Defendants within the current 90-day period, in accordance with Rule 4(m).

Finally, Plaintiff respectfully requests that the Clerk's instruction to provide proposed summonses within three days be adjourned *sine dine* while Defendants' service addresses are obtained.

We thank the Court for its time and consideration of this request.

Respectfully,



Stephanie Panousieris
Attorney for Plaintiff